

# FLEXIBILITY IN THE CALIFORNIA WATER RIGHTS SYSTEM

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# THREE MAIN TOPICS

- I. Introduction: Some Features of the California Water Rights System
- II. To What Extent will Future Demand be Met with New Water Rights?
- III. Methods for Adjusting or Reallocating Existing or Claimed Water Rights.

# Some Features of the California Water Rights System

**Appropriative Rights—Beneficial Use**

**Riparian Rights—Adjacent to Water**

**Groundwater—No Statewide Control in California**

**Rights are permanent, unless lost.**

**Not granted for a limited term.**

## II. To What Extent will Future Demand be Met with New Water Rights?

- Appropriative Rights
- Riparian Rights
- Groundwater
- Federal Reserved Rights
- Diffused Surface Water
- Desalination

### III. Methods for Adjusting or Reallocating Existing or Claimed Water Rights.

- Likely that much of the water needed for new demands will come from reallocation of water held under existing rights.
- Methods of reallocation can be voluntary or involuntary.

- Voluntary Transfers of Water or Water Rights
- Voluntary Transfer of Land with Water Rights
- Acquisition of Water Rights by Eminent Domain

- Enforcement of Requirement that Diverter Have a Valid Water Right
- Loss or Revocation of Right
- Application of Article X, Section 2 of California Constitution (reasonable, beneficial use)
- Conservation and Recycling

- Application of Public Trust Doctrine
- Regulation pursuant to Statute (e.g., Clean Water Act, Endangered Species Act)
- Area of Origin Water Rights
- Non-renewal or Adjustment of Contracts



# CONCLUSION